

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

R.C. SPENCELEY, INC. and SPENCELEY REALTY COMPANY,	)	
	)	
Petitioners,	)	CIVIL NO. 10-CV-00115
	)	
-v-	)	ACTION FOR DECLARATORY
	)	JUDGMENT OR, IN THE
	)	ALTERNATIVE, PETITION
TOPA INSURANCE COMPANY and D. ARLEN WHEELER,	)	FOR APPOINTMENT OF
	)	NEUTRAL UMPIRE
Respondent.	)	
	)	

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**STIPULATED DISMISSAL WITHOUT PREJUDICE**

**COMES NOW** the Petitioners, R.C. SPENCELEY, INC., and SPENCELEY REALTY COMPANY, and the Respondents, TOPA INSURANCE COMPANY and D. ARLEN WHEELER, by and through their undersigned counsel, and hereby stipulate to the voluntary dismissal *without* prejudice of this case.

Pursuant to *Fed.R.Civ.P.* 41(a)(1)(A)(ii), this Stipulation is signed by all parties that have appeared in this action. Upon agreement of the parties, this matter is hereby **dismissed without prejudice**.

Respectfully submitted,

DATED: September 26, 2011

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/s/ Mark Hodge\*  
**MARK HODGE, ESQUIRE**  
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Attorney for the Petitioners  
***\*Pursuant to LRCi 5.4(h)(4)(ii),  
consent has been granted to  
use this party's signature.***

/s/ W. Mark Wilczynski  
**W. MARK WILCZYNSKI, ESQUIRE**  
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Attorney for the Respondents

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September, 2011, I electronically filed the foregoing **Stipulated Dismissal Without Prejudice** with the Clerk of the Court using the CM/ECF system and therefore a copy of the foregoing was served upon Mark D. Hodge, Esquire, attorney of record for R. C. Spenceley, Inc. and Spenceley Realty Company.

**/s/ W. Mark Wilczynski**